

FEB 12 2007

PTO/SB/21 (09-06)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/766,225
Filing Date	January 28, 2004
First Named Inventor	Prince et al.
Art Unit	3844
Examiner Name	Galen L. Barefoot/Swietech
Attorney Docket Number	Orb-024

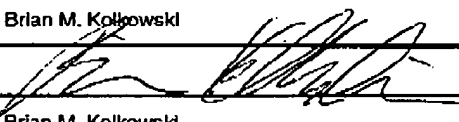
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Brian M. Kolkowski		
Signature			
Printed name	Brian M. Kolkowski		
Date	February 12, 2007	Reg. No.	36,847

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Application of Prince et al.)
Serial No.: 10/766,225)
Filed: January 28, 2004) Art Unit 3644
For: Aircraft and Missile Forebody)
Flow Control Device and)
Method of Controlling Flow)
Examiner: Galen L. Barefoot)

February 12th, 2007

TERMINAL DISCLAIMER TRANSMITTAL

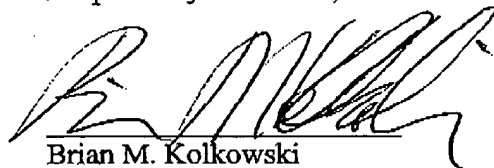
Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

Please deduct the \$65.00 small entity fee and any fees related to the attached terminal disclaimer being filed in the above case to deposit account no. 502704, and credit any overpayments to this same account.

Respectfully submitted,

2/12/07
Dated



Brian M. Kolkowski
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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

ORB-024

In re Application of: Prince et al.

Application No.: 10/766,225

Filed: January 28, 2004

For: Aircraft and Missile Forebody Flow Control Device and Method of Controlling Flow

The owner*, Orbital Research Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,685,143 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 36,847

Signature

February 12, 2007
Date

02/13/2007 HDESTA1 00000096 502704 10766225

Brian M. Kolkowski
Typed or printed name

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(216) 649-0376
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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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